

Appln. No. 09/667,390
Amendment dated June 13, 2005
Reply to Office Action of March 23, 2005

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The March 23, 2005 Office Action and the Examiner's comments have been carefully considered. In response, claims are cancelled and amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

ALLOWABLE SUBJECT MATTER

The Examiner's indication that claims 16, 39, 45 and 46 are allowed is acknowledged and appreciated.

PRIOR ART REJECTIONS

In the Office Action claims 67, 68, 72-76, 78, 79, and 82 are rejected under 35 USC 102(b) as being anticipated by USP 5,768,640 (Takahashi et al.). Claims 80 and 83 are rejected under 35 USC 102(b) as being anticipated by USP 6,222,985 (Miyake). Claims 69-71 and 77 are rejected under 35 USC 103(a) as being unpatentable over Takahashi et al., in view of USP 6,351,613 (Ohkado).

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In response, claims 69-71, 76, 77 and 80 are cancelled, and claims 67, 79 and 81-83 are amended.

The present claimed invention as defined by independent claim 67 is directed to a camera wherein a photographing instruction can be carried out at an arbitrary time without waiting for the completion of a positioning operation. If a photographing instruction is made during a positioning operation, photographing can be carried out by suspending the positioning operation. Claim 67 specifically recites first control means for, if the overlapping determination means determines that the timings overlap when the image storing means stores the photographed image in accordance with the photographing instruction received by the instruction means, allowing the image storing means to store the photographed image after inhibiting the positioning means from executing positioning at the overlapped positioning timing. Claim 67 now also recites second control means for, if the overlapping determination means determines that the timings do not overlap when the image storing means stores the photographed image in accordance with the photographing instruction received by the instruction means, allowing the image storing means to immediately store the photographed image without inhibiting the positioning means from executing positioning at the overlapped positioning timing.

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In Takahashi (USP 5,768,640), if the release switch is half pressed (Y of step S212) while repeating the process of obtaining GPS data (step S209), photographing (step S221) is executed without obtaining GPS data (step S209).

In other words, the positioning operation is always executed, and the photographing timing overlaps the positioning timing whenever a photographing instruction is received. Therefore, the two cases where the timings overlap and where the timings do not overlap do not need to be considered in Takahashi.

The present claimed invention, as defined by claim 67 assumes two cases. The first is that the photographing timing and the positioning timing overlap, and the second is that the timings do not overlap when the photographing instruction is received. If the timings overlap, the photographing operation can be executed while inhibiting the positioning operation. If the timings do not overlap, the photographing operation can be immediately executed without inhibiting the positioning operation. The photographing operation and the positioning operation can be executed separately, at efficient timings. As a result, the present claimed invention can respond to, for example, a condition of executing the positioning operation at a time which has no relation with the photographing instruction, at certain intervals, for reasons that a certain time needs to be

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spent for one positioning operation, that the positioning operation and the photographing operation cannot be executed simultaneously, and that an efficiency of processing should be improved.

Takahashi et al. do not disclose, teach or suggest at least the following limitations of claim 67, including:

overlapping determination means for determining whether the positioning timing determined by the positioning timing determination means and the timing of receiving the photographing instruction by the instruction means overlap, in accordance with the photographing instruction received by the instruction means; and/or

first control means for, if the overlapping determination means determines that the timings overlap when the image storing means stores the photographed image in accordance with the photographing instruction received by the instruction means, allowing the image storing means to store the photographed image after inhibiting the positioning means from executing positioning at the overlapped positioning timing; and/or

second control means for, if the overlapping determination means determines that the timings do not overlap when the image storing means stores the photographed image in accordance with the photographing instruction received by the instruction means, allowing the image storing means to immediately store the photographed image without inhibiting the positioning means from executing positioning at the overlapped positioning timing. See claim 67, lines 16-35.

Claims 68, 72-75, 78 and 79 are either directly or indirectly dependent on claim 67 and are patentable over the cited references in view of their dependence on claim 67 and

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because the references do not disclose, teach or suggest each of the limitations set forth in the dependent claims.

None of the other references of record close the gap between the present claimed invention as defined by claim 67 and Takahashi et al.

Independent claim 82 has been rejected as being anticipated over Takahashi et al. Claim 82 is a method claim which corresponds to claim 67. Claim 82 is amended along the lines set forth above in connection with claim 67. Claim 82 is patentable over the cited references for reasons, inter alia, set forth above in connection with claim 67.

Claims 80 and 83 are rejected under 35 USC 102(b) as being anticipated by Miyake.

In response, claim 80 is cancelled and claim 81, which was only objected to as being dependent upon a rejected base claim, but which was indicated as being allowable over the prior art of record if amended to include all of the limitations of the base claim and any intervening claims, has been placed in independent form. Independent claim 83 is amended to include the limitations of "selecting one of a positioning operation and a photographing operation which has higher priority," and "inhibiting execution of photographing during a period until the positioning has ended, when the determined positioning timing and the timing of

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receiving the photographing instruction overlap and when the positioning operation is selected with higher priority." See claim 83, lines 10-17. The limitations added to claim 83 are not disclosed, taught or suggested in Miyake or any of the other cited references. As a result, claim 83 is patentable over all of the references of record under 35 USC 102 as well as 35 USC 103.

In view of all of the foregoing, claims 16, 39, 45, 46, 67, 68, 72-75, 78, 79 and 81-83 are patentable over the cited references under 35 USC 102 as well as 35 USC 103.

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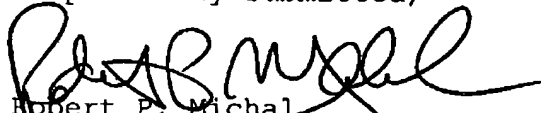
Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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